

CVAR MLS CITATION POLICY

In order to insure the integrity of the MLS and the MLS database, the following Citation policy has been established in accordance with Section 15.3 of the MLS Rules & Regulations. Fines will be issued in accordance with this policy and are subject to change upon approval of the Board of Directors. This policy is not all inclusive, may not reflect violations of the Code of Ethics and does not replace Professional Standards Enforcement.

1. Violations covered by this Policy are:

- Active listing without valid listing agreement (MLS Rules 8.1, 8.2)
- Failure to enter listings in MLS or provide CVAR with MLS Listing Exclusion (MLS Rules 7.5, 7.6, 7.7)
- Late entry of a new listing (MLS Rules 7.5)
- Entry of a property listed by a non-MLS member (MLS Rules 4.1 – 4.8)
- Entry of inaccurate listing status (MLS Rules 7.9, 7.19, 10.1, 10.2, 10.3)
- Late reporting of pending sale (MLS Rules 10.2)
- Late reporting of a Close of Escrow (MLS Rules 10.2)
- Conditional offers of compensation (MLS Rules 7.12)
- Misuse of data with intent to mislead (MLS Rules 12.7, 12.8, 12.9, 12.10, 12.15)
- Change of Compensation offer by cooperating broker (MLS Rules 9.5)
- MRMLS Data Integrity Policy
- Duplicate listings by the same agent/broker (MLS Rules 8.3)
- Entry of inaccurate selling information (MLS Rules 8.3, 10.1)
- Wrong property classification (MLS Rules 8.3)
- Misuse of Public Remarks (MLS Rules 12.5)

2. Submittal/reporting time requirements for MLS Rules & Regulations are counted as business days (weekends and holidays are excluded). Correction days are calendar days.

3. The MLS Broker/Participant or MLS Appraiser/Participant is ultimately responsible for the actions of those MLS or Appraiser subscribers or clerical users having access to or use of the MLS. However, for purposes of this policy, notices of violations will be sent directly to the violator (broker or appraiser participant/subscriber/clerical user) and copied to the Broker/Participant (if applicable). The violator will be initially responsible for the payment of any fines (as noted earlier in this paragraph). However, the ultimate responsibility for payment of dues, fees, fines or charges rests with the MLS Broker/Participant and Appraiser/Participant.

4. Actions under this policy:

A letter of warning and fine notice in accordance with the fine schedule will be sent via email and fax to the violator and copied to the broker/manager. Reference will be made that a copy of the MLS Citation Policy is available on our website. **If the violation is not corrected prior to the expiration of one business day after notice, CVAR staff will make the necessary correction(s).**

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FINE SCHEDULE

First Violation *	\$250.00 (Fine WAIVED if violation is corrected within 24 hours)
Second Violation	\$500.00
Third Violation **	\$1,000.00
Fourth Violation	Suspension from the Multiple Listing Service (MLS) for not less than 30 days.

Fines will be calculated based on the number of violations on the agent’s record for the 12 months preceding the violation in question. A violation will be removed from the agent’s record on the anniversary date of that violation.

In the event of alleged multiple violations, fines will be assessed on a per listing basis (e.g., two listings not submitted = \$500.00, etc).

NOTES:

*The Fine will be waived for the first violation only and only if the violation is corrected within 24 hours.

**The Third Violation by the same agent in a 12 month period shall, in addition to the agent’s assessment, result in an additional fine of \$1,000 to the MLS Broker/ Participant.

5. Fine is due within 15 days of receipt of citation. Receipt shall be presumed one business day after facsimile or email transmission.

6. Failure to pay fine or file an appeal will be result in suspension of multiple listing services for the violator (MLS participant and/or subscriber and/or clerical user). Reference Paragraph 5.2.1 of the MLS Rules & Regulations show below.

“5.2.1. Nonpayment of MLS Fees. If MLS fees, fines, charges or other amounts owed the MLS are not paid within one month after the due date, the nonpaying participant and/or subscriber’s MLS services shall be subject to suspension until such outstanding amounts are paid in full. The MLS may suspend MLS services under this section provided the MLS gives the participant and/or subscriber at least twenty (20) calendar days prior written notice of the proposed suspension date. Such notice may be included with the original billing statement for MLS fees, fines or charges or any time thereafter. In the event the amounts owed remain unpaid for three months after the due date, the nonpaying participant and/or subscriber’s MLS services shall automatically terminate regardless if notice of such termination is given.

7. If the violator believes that the fine was issued in error, the violator must correct the alleged violation and submit a letter outlining the reasons and requesting a hearing in accordance with the California Code of Ethics and Arbitration Manual. Such letter must be received within 15 days of the receipt of the citation with a deposit of the full amount of the fine. Failure to submit the appeal letter and deposit the full amount of the fine will result in the matter being deemed final without any further notice and the violator (MLS Participant and/or Subscriber and/or Clerical user and/or Appraiser) will have their MLS privileges suspended for the prescribed period.